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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,269	03/03/2004	Hyun-Jei Chung	1568.1086	8941
49455	7590	10/08/2008		EXAMINER
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				HODGE, ROBERT W
			ART UNIT	PAPER NUMBER
			1795	
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			10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,269	<b>Applicant(s)</b> CHUNG ET AL.
	<b>Examiner</b> ROBERT HODGE	<b>Art Unit</b> 1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 August 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 9-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,8 and 16-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 7/11/08
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 8/21/08 have been fully considered but they are not persuasive. Applicants state that Kozu's completed battery does not read on the instant claims. However it is quite clear from the grounds of rejection that the Examiner is relying on the intermediate product of Kozu which does in fact anticipate the instant claims. Especially in figure 9A it is quite clear that the electrode tabs 12 (with respective tab 13) is bent at a substantial right angle and an end portion of the tabs contact leads 30 and 33 which are part of the protection circuit board in an area outside of the case. Regarding the relocation of parts, the burden was shifted to applicants to show in the form of evidence that the relocation of the protection circuit board provides unexpected results over the assertion by the Examiner of the modification of Kozu by relocating the protection circuit board in Kozu. Applicants have not met said burden of proof. Therefore as clarified above the rejections will be maintained.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,451,474 hereinafter Kozu.

As seen in figures 1, 2A and 9A, Kozu teaches a pouch type lithium secondary battery 3 comprising positive and negative electrode plates 10 and a separator disposed

between the positive and negative electrode plates (column 9, lines 8-12), electrode tabs 12 & 13 extending from the electrode plates, a case 11 having a space to accommodate the battery a sealing surface 11a & 11b along the periphery of the space and a protection circuit board 14 electrically connected to the electrode tabs, wherein portions of each of the electrode tabs extend outside the case and are bent only once in an upright position with respect to a plane of the sealing surface, the electrode tabs are also disposed parallel to an outer wall of the case in an upright position and are perpendicular to a contact surface at which the sealing surface is contacted (column 8, line 52 - column 10, line 26). Furthermore in figure 9A it is quite clear that the electrode tabs 12 (with respective tab 13) is bent at a substantial right angle and an end portion of the tabs contact (i.e. are connected to) leads 30 and 33 which are part of the protection circuit board in an area outside of the case.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozu.

Kozu teaches the claimed invention except for locating the protection circuit board disposed between an outer wall of the case and the bent electrode tabs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to relocate the protection circuit board of Kozu to a location disposed between an

outer wall of the case and the bent electrode tabs, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozu in view of Applicants' Admitted Prior Art (AAPA).

Kozu as discussed above is incorporated herein.

Kozu does not teach insulating tape between the electrode tabs and the sealing surface, wrapped around portions of the electrode tabs.

As seen in figures 1 and 2 and described in paragraphs [0003]-[0015] of the instant specification, AAPA teaches a pouch type lithium secondary battery 10 comprising a battery unit 11 comprising a positive electrode plate 13, a negative electrode plate 14, a separator 15 disposed between the positive and negative electrode plates, electrode tabs 16 and 17 extending from the respective positive and negative electrode plates, a case 12 having space 12a to accommodate the battery unit, a sealing surface 12b along the periphery of the space, a protection circuit board 100 electrically connected to the electrode tabs, wherein portions of each of the electrode tabs extend outside the case and are bent in an upright position with respect to a plane of the sealing surface, wherein the electrode tabs are bent at a predetermined length from a leading edge of the sealing surface in a thickness direction of the case, and the electrode tabs further comprise insulating tape 18 between the electrode tabs and the sealing surface such that the insulating tape is wrapped around the portions of the electrode tabs bent from a leading edge of the sealing surface.

At the time of the invention it would have been obvious to one having ordinary skill in the art to provide insulating tape between the electrode tabs and the sealing surface that is wrapped around portions of the electrode tabs in Kozu as taught by AAPA in order increase the sealing efficiency of the pouch type lithium battery.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HODGE whose telephone number is (571)272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./  
Examiner, Art Unit 1795

/Jonathan Crepeau/  
Primary Examiner, Art Unit 1795